

**Patterson Belknap Webb & Tyler LLP**

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January 23, 2018

**By Fax to (314) 244-7479 and By Hand**

The Hon. Nannette A. Baker  
Chief Magistrate Judge  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street  
St. Louis, MO 63102

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JAN 23 2018  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

**Re: USA v. Rychlik et al., Case No. 4:17-cr-00100-PLC-4**

Dear Judge Baker:

We represent Blue Buffalo Company, Ltd. ("Blue Buffalo"), which is a victim of the criminal conduct at issue in the above-referenced proceedings. We understand that the Court has scheduled a Change of Plea Hearing with regard to Defendant Wilbur-Ellis Company ("Wilbur-Ellis") for January 26, 2018 at 9:30 a.m.

Blue Buffalo has not yet seen a copy of any plea agreement between the Government and Wilbur-Ellis. Nevertheless, Blue Buffalo writes to apprise the Court that it wishes to assert its statutory right to be heard in relation to the acceptance of any guilty plea, and the terms of sentencing and restitution that the Court may impose on Wilbur-Ellis. *See 18 U.S.C. 3771(a)(4) and (6) ("A crime victim has . . . (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding. . . . (6) The right to full and timely restitution as provided in law.").* Blue Buffalo respectfully requests that the Court provide it with an opportunity to furnish the Court with Blue Buffalo's position, including through written submissions, and that the Court not accept any plea that binds the Court with respect to the terms of sentencing or restitution (such as a guilty plea made pursuant to Fed. R. Crim. P. 11(c)(1)(C)) prior to having heard from Blue Buffalo. Blue Buffalo will be represented in Court on January 26 to the extent the Court wishes to hear from it at that time.

Respectfully submitted,

Steven A. Zalesin

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cc: AUSAs Charlie Birmingham, Esq. and Gilbert Sison, Esq.  
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VIA HAND-DELIVERY  
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